

## SCHLEY NOT SUSTAINED

Majority of the Naval Court of Inquiry Has Decided Against the Rear Admiral.

He Is Condemned by Benham and Ramsay on Eleven Counts, but is Upheld by Admiral Dewey on the Main Contentions.

## TEXT OF THE FACTS AND THE OPINIONS

Schley Entitled to Credit for Victory at Santiago, According to Dewey.

Other Members of the Court Say He Did Not Obey Orders, Was Dilatory, and Did Injustice to Lieutenant Commander Hodgson.

WASHINGTON, Dec. 13.—The most prolonged, interesting and important naval tribunal ever held in this country came to a close after having, in open and secret session, lasted three months, short of one week, when Secretary Long was today handed the findings of the court of inquiry which inquired into the conduct of Rear Admiral Schley during the Santiago campaign. For seven weeks the court heard testimony, and for fully a month it deliberated on that mass of evidence, finally reaching the conclusions announced today.

Instead of one report there are two. Both are signed by George Dewey, the president of the court, and by Samuel C. Lemly, the judge advocate. This is a form said to be recognized in all courts of inquiry, signatures of the other members not being necessary. But it is explained that Admiral Dewey signed the second report, a minority report, to express his qualification of or dissent from the views expressed by the court comprising, beside himself, Admirals Benham and Ramsay, in the first report.

## THE MAJORITY REPORT.

The majority report condemns Admiral Schley on eleven points, while Admiral Dewey sustains him in most particulars. The majority opinion finds in brief that Admiral Schley should have proceeded with the utmost dispatch to Cienfuegos and maintained a close blockade; that he should have endeavored to have obtained information of the Spanish squadron there; that he should have proceeded to Santiago with dispatch; that he should not have made the retrograde movement; that he should have obeyed the department's orders; that he should have endeavored to capture the Spanish vessels in Santiago; that he did not do his utmost to destroy the Colón; that he caused the squadron to lose distance in the loop of the Brooklyn; that he thereby caused the Texas to back; that he did injustice to Hodgson; that his conduct in the campaign was characterized by vacillation, dilatoriness and lack of enterprise; that his official reports on the coal supply were misleading and inaccurate; that his conduct during the battle was self-possessed and that he encouraged in his own person his subordinate officers and men.

## DEWEY'S OPINION.

Admiral Dewey in his report says that the passage to Cienfuegos was made with all dispatch; that in view of his coal supply the blockade of Cienfuegos was effective; that he allowed the Adula to enter Cienfuegos to get information; that his passage to Santiago was with as much dispatch as possible, keeping the squadron together; that the blockade of Santiago was effective, and, finally, that he was the senior officer off Santiago, in absolute command, and entitled to the credit due for the glorious victory which resulted in the total destruction of the Spanish ships.

It is said at the Navy Department that there will be no further proceedings in this celebrated case on the department's initiative. Secretary Long and Judge Advocate Lemly positively decline to discuss the findings in any phase. The secretary received the reports at 5 o'clock this evening, and he has not yet acted on them. It is probable he will simply append his signature with the word "approved" to the whole record. The court itself recommends no further proceedings owing to the lapse of time.

There was an air of animation this morning about the building in which the court held its secret sessions, and it soon became evident that the end of the case was at hand. Captain Lemly was closeted with the members of the court most of the afternoon and when he started for the Navy Department he carried the reports with him.

## SCHLEY WELL PLEASED.

A representative of the Associated Press conveyed first information of the findings

of the court to Admiral Schley. He was seated in the public reception room of a hotel, chatting with friends and several newspaper men, and showed no signs of nervousness over the outcome. When the conclusions of Admiral Dewey were read to him Admiral Schley showed his pleasure, and it was evident from his manner that he regarded the statement from Admiral Dewey as a vindication of his cause. He declined to make any statement concerning the court's findings, and, excusing himself from the little company which had gathered about him, he went to his apartments, where Mrs. Schley had been anxiously awaiting to hear the court's decision. Later the official copy was brought to the hotel by a messenger from the Navy Department.

Admiral Dewey was seen late tonight and declined to make any statements concerning the court's findings. He said the court was not dissolved, and that he was still bound by his oath of secrecy.

## FACTS AND OPINION.

## Basis of the Finding of the Court—Review of Schley's Movements.

WASHINGTON, Dec. 13.—The report of the Schley court of inquiry is dated today. It says:

"The court having, by the authority of the Navy Department, occupied rooms Nos. 9 and 10, McLean building, No. 1317 H street, N. W., Washington, D. C., while since Monday, Nov. 11, with the exception of Sundays and holidays, and having concluded the investigation, reports its proceedings, and the testimony taken, with a full and detailed statement of all the pertinent facts, which it deems to be established together with opinion and recommendation in the premises.

## FACTS.

"The flying squadron, consisting of the Brooklyn, Massachusetts, Texas and Scorpion, under the command of Commodore W. S. Schley, U. S. N., sailed from Key West about 8 a. m. May 19, 1898, with orders from the Navy Department, and from the commander-in-chief of the North Atlantic station, to proceed with dispatch (utmost) off Cienfuegos to capture the enemy off that port, if possible, or to blockade him, and to make the blockade as close as possible.

"The flying squadron arrived off Cienfuegos on the morning of May 22, and established a blockade. During the day the ships lay off the port at various distances. In no particular order. At night, they formed in column of vessels, headed off shore, and moved at only sufficient speed for keeping positions. The small vessels performed picket duty inshore of the large ships.

"Commodore Schley did not proceed with utmost dispatch off Cienfuegos and blockade that port as close as possible. At 10 o'clock a. m. May 22, the Dupont arrived at Cienfuegos with a dispatch from the commander-in-chief, dated Key West, May 20, 1898, which informed Commodore Schley of the probability of the Spanish squadron being in Santiago de Cuba and ordered him to hold Cienfuegos until the receipt of more positive information.

"At 1:30 p. m. May 22, the Iowa arrived at Cienfuegos, and at 7 p. m. of the same date the Sampson left Cienfuegos for Santiago.

## SAMPSON'S ORDER.

"At 8:15 a. m. of May 23 Commodore Schley received by the dispatch vessel Hawk the following dispatch and memorandum from the commander-in-chief: Dispatch No. 8, dated Key West, May 21, 1898, which stated that the Spanish squadron was probably at Santiago, and ordered Commodore Schley, if he was satisfied that the Spanish

squadron was not at Cienfuegos, to 'proceed with all dispatch, but cautiously, to Santiago de Cuba, and if the enemy is there blockade him in that port.'

"A memorandum dated off Havana, May 21, 1898, which directed Commodore Schley to shell his movements in leaving Cienfuegos. A memorandum which stated that a good landing place had been found by Commander McCalla, thirteen and one-half miles west of Savanilla Point; that the Cubans had perfect knowledge of what was going on within Cienfuegos; that the Cuban forces in the San Juan mountains controlled the railway between Cienfuegos and Trinidad, and that there were fair roads from the landing place to Cienfuegos.

"At 8:30 a. m. May 23, the Castine and the collier Merrimac arrived at Cienfuegos. At noon on the same date the British steamer Adula was permitted to go into Cienfuegos. At 7 a. m. May 24 the Marblehead, Vixen and Eagle arrived at Cienfuegos. About 10 a. m. the Marblehead and Eagle proceeded to the landing place, thirteen and one-half miles west of Savanilla Point, communicated with the insurgents, landed stores for them, learned that the Spanish squadron was not in the harbor at Cienfuegos, rejoined the squadron at 3:30 p. m. and reported to Commodore Schley the information obtained.

"After the receipt of this information, Commodore Schley wrote a dispatch to the commander-in-chief, in which he stated: 'I shall move eastward to-morrow.' He also wrote a dispatch to the commander of the naval base at Key West, in which he stated: 'As it is not found practicable to coal the Texas from the collier here, where there is so much swell, I shall proceed to-morrow off Santiago de Cuba, being embarrassed, however, by the Texas's short coal supply and her inability to coal in the open sea. I shall be able to remain off the vicinity of Nicholas head, where the water is smooth and I can coal the Texas and other ships with what may remain in collier.'

"NATURE OF DUTY.  
No work was, apparently, in progress on the fortifications of Cienfuegos while Com-

## MRS. BONINE IS FREE

FOUND NOT GUILTY OF THE MURDER OF JAMES S. AYRES.

Demonstration of Approval When the Jury Returned to the Courtroom with a Verdict of Acquittal.

## DEFENDANT MERELY SMILED

WHILE HER HUSBAND AND OTHERS KISSED AND EMBRACED HER.

Judge Anderson's Charge to the Jury Impartial and Very General in Character.

WASHINGTON, Dec. 13.—The jury in the case of Mrs. Lola Ida Henry Bonine, charged with the murder of James Seymour Ayres, Jr., in the Kenmore Hotel, in this city, on the night of May 13, this evening returned a verdict of not guilty and the defendant was set at liberty. Such a conclusion of the trial was generally expected.

## CHRISTMAS SHOPPING.



modore Schley was off that port. No efforts were made by Commodore Schley to communicate with the insurgents to discover whether the Spanish squadron was in the harbor of Cienfuegos prior to the morning of May 24. Signal lights were displayed on shore at night May 22 and May 23, but Commodore Schley had no information which enabled him to interpret them. Before sailing for Cienfuegos Commodore Schley received reliable information that ships could be coaled in the vicinity of Cape Cruz and in Gonaves channel.

"The flying squadron, with the exception of the Castine, sailed from Cienfuegos about 8 p. m. of May 24, the heavy ships in column of vessels, the light ships on the right flank and the collier Merrimac on the left flank. At 10:10 a. m. of May 25 the light vessels were shifted to the port beam and the collier to the starboard beam. Before midnight of May 24, owing to heavy fog, the forward compartment of the Eagle filled with water, which reduced her speed. On May 25 the wind was fresh from the eastward, the weather was bad and the sea was heavy for small vessels. The squadron reduced its speed to enable the Eagle to remain with it. On May 26 the weather improved, the wind veered to the westward and became light, and the sea moderate.

"At 1:30 p. m. Commodore Schley sent the Eagle to Port Antonio to coal and then to return to Key West. At noon of May 26 the Eagle had sufficient coal to steam ten knots per hour for three days. At 5:30 p. m. the squadron stopped about twenty-two miles west of Key West.

"(CONTINUED ON PAGE 6, COL. 2.)

relative to the controversy over the organization of the Ohio Legislature. Tonight Mr. Malloy gave out the following statement:

"From what I have learned since my return to Columbus, I can only say there has been no change in the situation; and so far as rumors of a proposed compromise are concerned, which, it is said, would be made to Senator Hanna by the friends of Senator Foraker and Mr. Kurtz, no offer of compromise has been received up to the hour of my leaving Washington last night, and if any are to be made Senator Hanna has no information concerning them other than what has appeared in the newspapers.

"Before this contest was precipitated, Senator Hanna, with General Dick, held three different conferences in Washington with Senator Foraker, in the hope that so far as the two senators are concerned any friction among their respective friends regarding the organization of the two houses might be avoided. At the first conference Senator Hanna asked only that Mr. Uhl be made clerk of the Senate. This was not wholly a personal request upon Senator Hanna's part, but was made because he believed it would be good politics, for the reason that the Democrats control the dele-

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The trial of Mrs. Bonine has been in progress for almost four weeks and attracted more attention than any trial before the local courts in years. Extraordinary interest was caused at the time young Ayres was killed because of the mystery surrounding the case until the statement made by Mrs. Bonine of her part in the tragedy while the coroner's inquest was in session. She said she was the only person in the room when young Ayres was shot, and that he was killed in a struggle with her over the possession of a revolver with which he was trying to frighten her into compliance with his demands. Mrs. Bonine had been in jail since the tragedy. She did not go on the witness stand during the trial.

Judge Anderson's charge to the jury today was very general in character. He wound up by saying that the jury could bring in any one of four verdicts, namely: That of guilty as indicted with capital punishment; guilty as indicted without capital punishment, which would mean imprisonment for life; manslaughter, the punishment under which would be imprisonment for a term of years, or last of all a verdict of not guilty.

Mrs. Bonine maintained the calm demeanor which has characterized her conduct throughout the trial and smiled approvingly when the jury returned its verdict. Her husband threw his arms affectionately around her neck and kissed her, followed by her sons and sisters and brothers, who clambered around her, embracing and kissing her. Others in the courtroom also added their congratulations.

After leaving the courthouse Mrs. Bonine accompanied her husband to the house where he and their sons and other relatives have been living, at No. 1111 N street

N. W., where it is announced she will reside in the future, her intention being to make Washington her home.

## WILL BRYAN BE THERE?

Manhattan Club Hopes to Revive Interest in the Democratic Party.

NEW YORK, Dec. 13.—The Manhattan Club of New York has decided to give a reception to its nonresident members on Feb. 22, 1902. The purpose of this reception, announced in resolutions adopted tonight, is to bring together Democrats throughout the country for the purpose of reviving the interest of the people in Democratic doctrine. The club's nonresident membership is represented in thirty-eight States of the Union.

## MR. HANNA WILL FIGHT

FORAKER'S REFUSAL TO COMPROMISE CAUSES HIS DETERMINATION.

Statement by John R. Malloy Relative to the Struggle for Control of the Legislature in Ohio.

COLUMBUS, O., Dec. 13.—John R. Malloy, secretary of the Republican state executive committee, returned today from Washington, where he had a conference with Senator Hanna and Representative Dick, chairman of the Republican state committee,

## CHRISTMAS SHOPPING.



relative to the controversy over the organization of the Ohio Legislature. Tonight Mr. Malloy gave out the following statement:

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tion from Cuyahoga county to both the House and the Senate, and Mr. Hanna desired, in the interest of the Republican party of Cuyahoga county, that there might be a representative of the party at Columbus who could keep in touch with any proposed legislation affecting the city of Cleveland and Cuyahoga county. For this reason he desired the re-election of Mr. Uhl and asked for no other office in the organization of either house, and for no favor except that Mr. Speelman be stricken off Mr. Foraker's slate. These requests of Senator Hanna were denied by Senator Foraker at the first and second conferences and not until Mr. Foraker's refusal at the third conference to make a single concession asked for by Mr. Hanna did the latter determine to make a fight to protect the interests of his friends as well as those of himself.

Mr. Speelman is a candidate for clerk of the House.

## ACCUSED OF STEALING.

One Man Charged with Embezzling \$62,000, Another of Taking \$25,000.

BIRMINGHAM, Ala., Dec. 13.—George W. Morgan, president, and George A. Blinn, Jr., treasurer, of the Continental Security Redemption Company, have been arrested on charges of embezzlement, the amounts alleged varying from \$800 to \$25,000. Four warrants are held against George W. Morgan, the amounts alleged aggregating \$62,000. Two warrants are held against Blinn, one charging the embezzlement of \$25,000, while the other charges the embezzlement of a check for \$25,000.

The Continental Security Redemption Company up to the time its affairs became involved in the courts carried on a debt redemption business. Its financial troubles were brought to the attention of the public on April 10 last, when a petition was filed in the United States Circuit Court in this city to have the concern placed in the hands of a receiver.

## NEW STATEMENT OF FAITH

IT IS INTENDED FOR POPULAR USE AMONG PRESBYTERIANS.

No Change in the Substance of Theology of the Church—Work of the Revisioners.

WASHINGTON, Dec. 13.—Considerable progress was made by the Presbyterian revision committee today, and at the end of to-morrow's session it is hoped to have the work to be submitted to the General Assembly at its next meeting practically completed. The conclusions reached by the committee here will be printed for the private consideration of the members until the next meeting of the committee, which is to be held at Philadelphia, at which final action will be taken upon their report to the report to the General Assembly.

The committee has agreed upon a tentative statement of the reformed faith in untechnical terms. It makes sixteen articles. This is intended for popular use in explanation of Presbyterian doctrine, and is not intended to take the place of the Confession of Faith. There is no change in the substance of theology of the church—but a change only in the forms of expression designed to make the people understand what the church believes.

The matter now under consideration is the declaratory statement intended to explain certain points in the Confession of Faith, such as foreordination and the salvation of all infants. This is made necessary because ministers and elders subscribe to the Confession of Faith, and there are differences of opinion as to the meaning of certain phrases, such as elect infants, etc. Also the matter of statements additional to the Confession of Faith and the Holy Spirit is to be considered.

Three members of the committee left the city today—Dr. Herriek Johnson of Chicago, Dr. Van Dyke of Princeton and Mr. Parsons of New York.

## BANK HAD BEEN WARNED.

Robbers Got Only \$3,500 from the Bank of Sturgis, Ky.

STURGIS, Ky., Dec. 13.—The Bank of Sturgis was robbed early this morning of between \$3,500 and \$4,000 by robbers, who blew open the safe with nitroglycerin. The robbers are thought to have escaped on horses and to have followed the railroad track. Bloodhounds followed the trail for several miles, but lost it then on account of a rain. Sledge hammers were stolen by the robbers from a blacksmith shop.

The Bank of Sturgis was recently warned by a detective that it might be robbed, and therefore kept only a small amount of cash on hand, frequent shipments of money being made to Evansville, Ind., for safe keeping.

## GONE WITH \$6,000.

Flight of a Youth Who Was Intrusted with a Package of Money.

MOBILE, Ala., Dec. 13.—Thursday afternoon Robert Shamblin, a runner employed by the People's Bank, left the bank to take a package containing \$6,000 to the local express office to be shipped to a Mississippi bank and has since been missing. He did not appear when the bank opened this morning, but not until tonight was it discovered that he left town early this morning on the train for New Orleans. The police have been notified along his possible route and Shamblin is twenty-two years old and has been in the bank's employ several years.

## INDIANA GOEBELITE

HIS NAME IS ROBINSON, AND HE HAILS FROM FORT WAYNE.

Member of the Lower Branch of Congress Who is Assisting in the Prosecution of Taylor and Finley.

## HE WANTS AN INVESTIGATION

WITH THE VIEW OF DISCREDITING GOVERNOR DURBIN'S ACTION.

Also to Gain Support for a Bill Amending the United States Statutes Relating to Extradition.

## TEXAS POLITICIANS WROTH

PROTESTING AGAINST THE APPOINTMENT OF "PAT" GARRETT.

They Say the New Mexican Friend of Gen. Lew Wallace is Unfit for Collector of Customs.

Special to the Indianapolis Journal.

WASHINGTON, Dec. 13.—A determined effort will be made to bring before Congress the Taylor-Finley extradition case which has been agitating the Indiana and Kentucky officials ever since Governor Taylor, of Kentucky, crossed the Ohio river and sought refuge in Indiana after the murder of Governor Goebel. An earnest attempt was made to-day when Representative James Robinson, of Fort Wayne, Ind., a Democrat, introduced a resolution providing for the appointment of a committee to make investigations as to whether any Governor of any State has denied full faith and credit to the public acts, records and judicial proceedings of another State. The committee which the resolution provides shall be the Judiciary committee of the House or a committee appointed by the speaker, is further instructed to inquire whether any such Governor has refused to surrender fugitives from justice of another State on proper requisitions being duly presented.

The resolution contains Article 4, Section 2, of the Constitution of the United States, and Section 578 of the United States statutes, bearing on this subject, and further specifies to effectually carry out the purpose of the resolution, the committee be empowered to send for persons and papers and examine witnesses and records and take oral and written evidence. Representative Robinson at the same time introduced a bill which amends the section relating to extraditions. It is as follows: "If the Governor execute authority of any State or Territory to which such fugitive person has fled shall refuse the demand of the Governor or executive authority of the State from which said fugitive fled as above provided, then the Governor or executive authority of the State from which the fugitive fled may issue his warrant of arrest to any marshal of the United States, commanding him to arrest the said fugitive before the court having jurisdiction of the offense the said fugitive from justice; there shall be attached to said warrant a copy of an indictment found or an affidavit made before a magistrate in said State or Territory in which said warrant is issued, charging the person demanded with having committed treason, felony or other crime, and certifying that the Governor or chief magistrate of said State, the said warrant when so issued shall authorize any marshal of the United States to arrest and secure said fugitive in the said State or Territory to which he fled and to bring him into the State or Territory from which he fled."

Representative Robinson says he will make every endeavor to secure from the Judiciary committee, to which committee the resolution has been referred, a favorable report on both. He wants the committee investigation to attempt to prove that Governor Durbin has not properly recognized the demands of the Kentucky officials, which he thinks will be a strong argument for the passage of the bill he presents. It is expected the Kentucky officials and all of the Indiana Goebelites will flock to Washington to lend their influence in securing a favorable report upon the resolution.

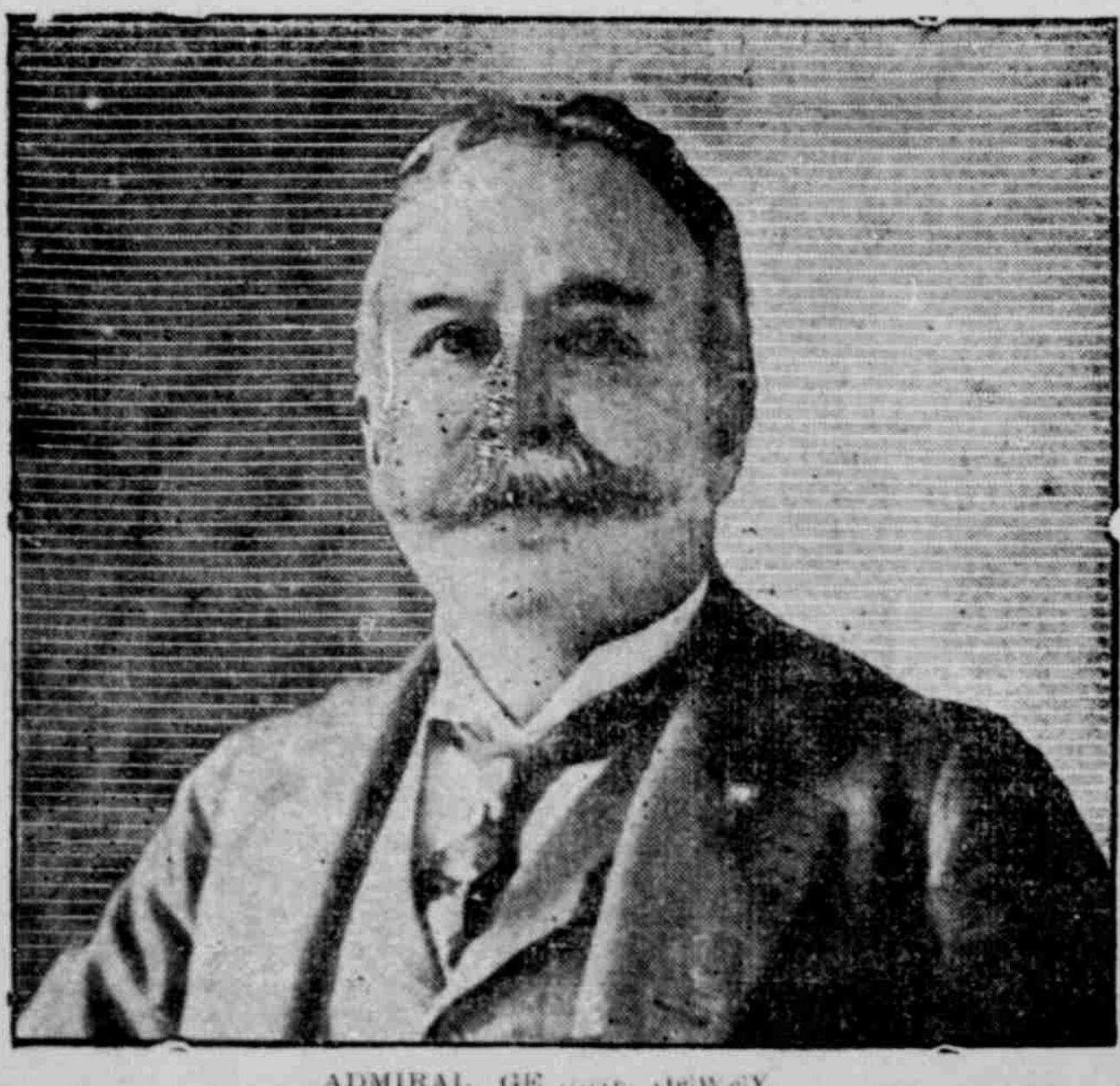
The New Mexican favorite of General Lew Wallace, of Indiana, is having more trouble now than any other politician in Washington. The decision of the President to nominate ex-Sheriff "Pat" Garrett, of Las Cruces, N. M., for collector of customs at El Paso, Tex., has caused a most vigorous opposition from Texas. Ex-Representative Hawley, the Republican natural committee member in Texas, is in Cuba, and cannot personally conduct the fight, but the Republican leaders of Texas are doing all the execution possible to Garrett by means of telegrams. They represent that Garrett is unfit for the place, and, moreover, that his nomination would be a serious reflection on the character of the Republican organization of Texas.

A national board of pardons is created by a bill which has been introduced in the House by Representative William Alden Smith, of Michigan. This board is to consist of six persons, to be appointed for terms of six years by the President, at annual salaries of \$2,500. Sessions shall be held in this city every three months to pass upon the recommendations of the individual members, who shall investigate cases of persons convicted under the federal law. The recommendations of the board shall go to the President, who will act on them at his discretion.

Chairman Moore, of the House committee on public buildings, to-day introduced a bill appropriating \$7,000,000 for purchase of a site and the construction thereon of a building for the use of the Supreme Court and other government offices. This is to be termed a place of justice, and is to stand facing the Capitol, just across the street from the Congressional Library. Mr. Moore presents a well-thought-out plan, and the intention is to make it one of the great buildings of the world.

The additional interesting fact learned concerning the Carnegie \$10,000,000 gift is that it was with the understanding that the bonds should be held for fifty years and should not be convertible, which would make the government an interested party in the steel corporation for half a century.

Representative Crumpacker to-day introduced a bill providing that any person who attempts to assassinate the President or Vice President shall be punished by death.



ADMIRAL GEORGE DEWEY.



REAR ADMIRAL WINFIELD SCOTT SCHLEY.